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A Brief Justification of the Prince of Orange's Descent into ENGLAND, And of the KINGDOMS Late Recourse to ARMS.

WITH

A Modest Disquisition of what may Become the Wisdom and Justice

OF THE

Ensuing Convention

IN THEIR

Disposal of the CROWN.

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A Brief Juſtification of the Prince of Oranges *Deſcent into* England, *&c.*

WHatſoever may occur in the enſuing ſheets, diſagreeable to the Politicks of ſome late Writers; yet I have not only declined to name the Perſons whoſe Principles I contradict, but have forborn mentioning any of thoſe Execrable Doctrines, by which they have endeavoured to Betray us into Slavery, and have both tempted Princes to an exerciſe of Tyranny, and done what they could to juſtifie them in it. 'Tis unſutable to my Temper, as I do reckon it mean in it ſelf, to adminiſter occaſion, whereby the Reputation of any that can be ſuppoſed reclaimable, may become expoſed, or their Perſons rendred any ways obnoxious. For though it would be an abandoning our ſelves, and Poſterity to worſe miſeries, than the Nation hath either felt, or with much difficulty eſcap'd, not to faſten in a Parliamentary way, a brand of indelible infamy upon their Illegal, Treacherous, and Enſlaving Tenets; yet I hope, as well as deſire, that the utmoſt degrees of Mercy, will be exerciſed towards the higheſt Prerogative Autho'sr, which ſhall be found conſiſtent, with the rendring our Conſtitution and Laws for the future ſafe and inviolable. And as I never hitherto acted upon other inducements, than thoſe of ſerving the Glory of God, and of aſſerting the Rights, and promoting the Intereſt of my Country; ſo the alone Motive, as well as Proſpect, upon which I do now Write, is the vindicating of the Methods that have

been applyed unto for our Relief and Redemption, and the offering ſuch further Meaſures, as remain to be purſued, for the Eſtabliſhing our Peace and Happineſs, upon Foundations, that will both enſure and ſupport them. Nor does he deſerve a Name amongſt, much leſs a ſhare in the Priviledges peculiar unto Engliſh-men, who will not contribute whatſoever lieth within his Circle, both for hindring our relapſing either into Confuſion, or into Thraldom, and for advancing the Tranquility, Welfare, and Proſperity of the Kingdom, not only to what they ever were in its moſt ſetled and fortunate ſtate, but beyond the felicity we enjoy any former Preſidents of. Eſpecially ſeeing his Highneſs the Prince of *Orange*, with a Compaſſion, Generoſity, and Zeal, not to be paralelled on the File of Hiſtory, hath put it into our own power, to retrieve and Re-eſtabliſh the Priviledges and Liberties which by Force and Fraud have been wreſted from us, to prevent their being either Invaded or Subverted hereafter, and to make ſuch Additional Proviſions, as ſhall be reckoned neceſſary, as well for our own enjoyment of the Reformed Religion, without fear or danger, and for tranſmitting it ſafe and uncorrupted to our Poſterity, as for rendring the Kingdom, by reaſon of Wealth, Security, and Renown, the envy of all Nations about us. And as the Condeſcention, Self-denyal, and Moderation of the Prince of *Orange*, after ſo tempting as well as ſignal a Succeſs, tranſcends all Examples conveyed unto us in the Records of Time; ſo we ſhould not only be very ill men, ſhould we depart from his Temperance of Mind, either in the things we have left us to be proſecuted, or in the manner of promoting them, but we ſhould be that, and withal extreamly unwiſe, if we be not awakened and provoked to mind and advance his Honour, Greatneſs, and Intereſt the more, by how much we find him through Modeſty to neglect them.

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The Consideration of Government in general, is none of my Province at this time; farther then to observe, that as it derives its Ordination and Institution from God, so it is circumscribed, and limited by Him, to be exercised according to the Laws of Nature, (and of plain Revelation where vouchsafed) in subserviency to the glory of the Creator, and the benefit of Mankind. All Rulers are thus far under Pact and Confinement, that they are obliged by the Almighty and Supream Soveraign, to exert their Governing Power, for the promoting his Service and Honour, and to exercise their Authority for the Safety, Welfare, and Prosperity of those over whom they are Established. There need no previous Compacts, and Agreements, between Princes and People as to these, forasmuch as they are setled and determined by the Law and appointment of the Divine Legislator, and of the Universal Soveraign. Whosoever refuseth to Govern in Subordination unto and for God, and in order to the protection and benefit of the Community, ceaseth to answer the Ends unto which Magistracy was Instituted, and for which Rectoral Authority is established over and among Men. Nor is it in the choice or power of any Society, at their erecting the Forms of Government, under which they are contented to live, and at their Nominating the Persons, to whom they commit the Right of Administring Justice towards and over themselves, and of withstanding and avenging injuries offered them by others, to enlarge and extend the power of those whom they constitute their Rulers, beyond the Limits and Boundaries, unto which God hath staked and confined Magistrates, in the Charters of Nature and Revelation. Tho' people may both then and afterwards abridge themselves, as they think meet, in things under their own disposal, and either narrow or enlarge the Rulers power, in reference

rence to what they have a Right to retain or depart from, for the real or imagined benefit of the Community; yet they can no ways interpose in the disposal of the Rights which belong unto God, and which he hath incommunicably reserved unto himself; nor can they confer those measures and degrees of Authority unto those whom they Elect and advance to Magistracy, which God hath antecedently precluded the one from bestowing, and the other from receiving. For example, no Body or Society of men, can transfer a power unto those whom they select, and set apart from among themselves to be Rulers over the Community, in the virtue whereof, those vested with Magistratical Authority, can withdraw their Subjects from their Allegiance to God, act arbitrarily in prescribing and imposing what Religion they please, or destroy the meanest person, save upon a previous Crime, and a just Demerit.

Now God having in the Institution of Magistracy, confined such as shall be chosen Rulers, within no other limits in reference unto our civil concerns, save that they are to Govern for the good of those, over whom they come to be Established, it remains free and entire to the People at their first Erection of, and Submission to Government, to prescribe and define what shall be the measures and boundaries of the publick Good, and unto what Rules and Standard the Magistrate shall be restrained, in order to his defending, and promoting the benefit of the Society, of which he is created the Civil and Political Head. And every one being equally Master of his own Property and Liberty, antecedently to their Agreement with one another, and to the compact of the Universality, or at least of the Majority, with Him or Those whom they call to Rule over them; it evidently follows, that those who come to be cloathed with Magistracy, can lay

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claim to no more Authority over the Liberty, or pretend to no more Right in and over the Property of that Body Politick, than what the Community conferred upon them, and doth voluntarily diveſt themſelves of, upon the proſpect of the advantages ariſing unto them from their living in Societies, and under Magiſtrates. We muſt ſuppoſe all Mankind to have been infatuated, and to have become diſtracted, if they ſhould have ſubmitted themſelves to the Juriſdiction of one who had no antecedent Right to command them, meerly in order to their being in a worſe Condition than they previouſly were. And therefore ſeeing the extent and latitude of the Magiſtrates Power, muſt owe its Original to ſome Grant of the people, it does from thence lye incumbent upon him, to prove and juſtifie the ſeveral degrees and meaſures of Authority and Prerogative which he pretends to claim. And whatſoever he cannot derive from ſome Conceſſion of the Society, muſt be acknowledged to remain ſtill veſted in the People, as their reſerved Priviledge and Right. And whatſoever he pretends unto, which he cannot prove their ſurrendry of from themſelves unto him, argues not only his departing from the Compact betwixt him and the Community, by vertue whereof he was ordained and created their Ruler, but it renders him guilty of an Invaſion upon the Rights of the whole Society, and upon thoſe of every individual Member of it. Force and Conqueſt give no juſt nor legal Title over a People by which the Conquerour becomes their Magiſtrate, until they by ſome conſent either *tacit* or *explicit*, declare their ſubmiſſion unto and acquieſcence in him, upon the beſt Terms which they can obtain, and that he is willing to grant. And as no Government is lawful, but what is founded upon Compact and agreement, between thoſe choſen to govern, and them who condeſcend to be governed; ſo

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the Articles upon which they ſtipulate the one with the other, become the Fundamentals of the reſpective Conſtitutions of Nations, and together with ſuperadded poſitive Laws, are both the limits of the Rulers Authority, and the Meaſures of the Subjects Obedience. To extend the Governour's Right to Command, and Subjects Duty to Obey, beyond the Laws of ones Country, is Treaſon againſt the Conſtitution, Treachery to the Society whereof we are Members, and through diſſolving the Ties by which Princes ſtand confined, and overthrowing the Hedges by which the reſerved Rights, Priviledges, and Properties of the Subjects are fenced about, every Prince is made a Tyrant, and all Subjects are rendered Slaves. Nor are all previous Agreements, Stipulations, and Laws, made inſignificant and uſeleſs by ſuch a pernicious and adulatory Doctrine as that of Non-reſiſtance, when our Rights are Arbitrarily invaded, and the Conſtitution and Government avowedly ſubverted, but they are meer Tricks and Cheats for decoying thoſe that were antecedently free, into a nooſe and ſtate of Thraldom and Bondage, under the ſpecious and guilded pretence of rendring their Liberty more ſecure, and their Condition more ſafe.

And as 'tis by vertue of Compacts, Stipulations, Comprimiſes, and Agreements, that all legal Governments have their Original and Eſtabliſhment, that various and diſtinct Forms obtain in different Countries, and that a Title and Right to Ruling Authority, and the method of arriving at it, is provided for and procured; ſo every Subjects Allegiance is firſt owing to the Conſtitution, and to the Ruler only in the Force and Vertue of what every Member of the Political Society is bound unto, by the Terms of the Original Pact and Settlement. Abſtracting from the Conſtitution, and the Obligations

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which it lays us under, no man can challenge a Right of Commanding us, nor do we owe unto him any Duty of Subjection and Obedience. Whosoever he be that under a pretence of being constituted Soveraign, does invade and subvert the Fundamental Laws of the Society, he does thereby *ipso facto* annul all the Legal Right he had to Govern, and Absolves all who were before his Subjects, from the Legal Engagements they were under of yielding him Obedience. So that the immediate and natural Effect of a Prince's claiming what the Rules of the Constitution are so far from quitting him unto, that they preclude him from it, is the depriving himself of all Right to claim any thing, and a restoring of the People to their State and Condition of Primitive Freedom, of which as they only divested themselves by, and upon the Terms of the Constitution, so they neither departed from it any longer than that should be kept sacred and inviolable, nor any further than was covenanted and stipulated in and by the Terms and Agreements therein specified and contained. And seeing it proceeds from the Efficacy of the forementioned Contracts, that one Person becomes advanced from the common level to the Title and Authority of a Soveraign, and that all others are by their own consent reduced and brought down to the condition of Subjects, there doth arise from thence not only a mutual Relation betwixt him that Governs, and them that are Governed, but the first and highest Treason is that which is committed against the Constitution; and such and such Crimes against the Person and Dignity of the Supreme Magistrate, are only made and declared to be so, by reason of the capacity he is put into by the Constitution, of preserving and defending the Society, and because it is needful in order to the peace, welfare, and safety of the Community, that he should be covered

from all Danger, and rendred Sacred in his Perſon, and inviolable in his Regal Honour, while he anſwereth the Truſt, which the People upon their Aſſembling and Uniting into a Body Politick, committed unto him, and does neither depart from the Eſſential and Fundamental Terms of the Original Compact, nor from their neceſſary Proviſions afterwards added, and enacted for preſerving the Government in its primitive State and Frame. So that they neither are nor can be Traitors, who endeavour to preſerve and maintain the Conſtitution; but they are the Traytors who deſign and purſue the Subverſion of it. They are the Rebels that go about to overthrow the Government of their Country; whereas ſuch who ſeek to Support and Defend it, are the truly Loyal Perſons, and do act conformable to the Ties and Obligations of Fealty. Nor is it meerly the firſt and higheſt Treaſon in it ſelf, that a Member of a Political Society is capable of committing, to go about to ſubvert the Conſtitution; but it is alſo the greateſt Treaſon he can perpetrate againſt the Perſon, Crown and Dignity of the King; for ſuch an Endeavour both annuls and vacates all his Title to Superiority over thoſe, above whom he was exalted from the common level, by virtue of the Conſtitution, and deprives him of all rightful and legal Claim of Rectoral Authority over the Society, by deſtroying the alone Foundation upon which it was Erected, and by which he became veſted with it. Through cancelling the Charter, from which he deriveth and holdeth his Governing Power, they not only make his Title to Soveraignty precarious, but they do render every Claim of that kind, and every Challenge of Governing the Community, to be an Invaſion and an Uſurpation. To all which, I will only further add under this Head, That as all Legal Government is founded upon a mutual Stipulation and Compact,

pact, ſo the firſt and moſt abſolute Obligation ariſing from this Agreement, becomes incumbent and lyes upon the Prince towards the People; whereas the Fealty, and Duty which by the ſaid Contract and Covenant they bind and engage themſelves unto towards him, is in order but Secundary Conditional. Whenſoever any Perſon is choſen from the reſt of the Society, and raiſed to Kingſhip upon a foregoing and previous Contract with the Community, he becomes upon the very accepting of it, bound abſolutely and without reſerve to govern them according to the Terms and Meaſures, which they and he have agreed and ſtipulated, and to Rule them by the Tenor of the Laws, unto which they have circumſcribed and confined him. Whereas all the Obedience and Fealty which they who by that Agreement have rendered themſelves Subjects, owe unto their Ordained and Created Severaign, do derive their Obligatory Force towards them, and become due unto him, upon his governing them according to the concerted and ſtipulated Conditions, and his preſerving unto them their reſerved Priviledges, Liberties, and Rights.

Now as *England* has been the moſt provident and careful of all Nations, in reſerving unto its ſelf, upon the firſt Inſtitution of, and its ſubmiſſion unto Regal Government, all ſuch Rights, Priviledges, and Liberties, as were neceſſary to render it either Renowned and Honorable abroad, or Safe, Happy, and Proſperous at home; ſo it hath with a Courage and Magnanimity peculiar unto it, maintained its Priviledges and Liberties through a large and numerous Series of Ages, and either reaſſured and ſecured them by new and ſuperadded Laws, when there were endeavours to undermine and ſupplant them, or elſe hath vindicated them with a generous, manly, and Military Courage, even to the Depoſition and Ab-

dication of Treacherous Usurping, and Tyrannous Princes, when more gentle, mild, and Senatorian Methods were found weak and ineffectual to cover and protect them to themselves, and to convey and transmit them to such as were to come after. The people of *England* hath the same Title unto, and security for the enjoyment of their Liberties and Properties, that our Kings have unto their Crowns, or for defence of the Regal Dignity. For as they can plead nothing for what they enjoy, or claim, but fundamental and positive Laws; so the Subjects Interest in his Liberty and Property are conveyed unto him by the same Terms and Channels, and Fenced about with the same Hedges and Pales. *Horn* tells us in his *Mirrour*, Chap. 1. That the *Saxons* having put an end to the *Heptarchy*, by reason of the continual Wars that attended the Reigning of so many Kings in so narrow a compass of Land, *How they chose themselves one King, to maintain and defend their Persons and Goods in Peace by Rules of Law, and made him Swear, that he should be Obedient to suffer Right as well as his People should be.* For according to *Bracton*, lib. 3. c. 9. *The whole Power of the King of* England, *is to do good, and not to do hurt, nor can he do any thing as a King, but what he can legally do.* And as we know no King, but a King by Law; so we are assured by *Fortescue*, lib. 1. c. 8. and *lib.* 3. c. 9. *that he Governs not his People by a Regal Power, but by a Politick.* From thence our Princes were anciently bound to Swear at their Coronation, *That they would Govern according to Law, and preserve unto them all their Customs and Franchises: (Stat. of Provis. 25. Ed. 3.)* Nor can we have a clearer evidence of the Legal extent of the King's Authority, and of the dimension of the Obedience which the Subject is bound unto, than that which we have in the Oath of Fealty, which formerly used to be exacted of the Subject: Namely, *That he should be obe-*

obedient to all the King's Laws, and to every Precept and Proceſs proceeding from the ſame. (*Wilkins Treat. Coron. &c. Court Leet, &c. p.* 140.) Nor is that unworthy our obſervation, which *Hen.* 1. writ to the Pope, when attacqu'd by him about the matter of *Inveſtitures*; *viz. That he could not diminiſh the Rights either of the Crown or of the Kingdom; and that if he ſhould be ſo abject and mean as to attempt it, the Barons and people of* England *repreſented in Parliament, would not allow or permit it: Optimates mei, & totius Angliæ populus, id nullo modo paterentur.* 'Tis upon this account affirmed of an Engliſh King, That he can do no wrong, becauſe he can do nothing but what the Law impowers him. For though he hath all things Subjected to his Authority, while he acts according to Law, yet there is nothing left to his Arbitrary Will. The ſeveral Charters, eſpecially that ſtiled the *Great Charter*, in and by which our Rights ſtand ſecured, Sworn, and Entailed unto us and to our Poſterity, were not the Grants and Conceſſions of our Princes, but Recognitions of what we had reſerved unto our ſelves in the Original Inſtitution of our Government, and of what had always appertained unto us by Common Law, and Immemorial Cuſtoms. And though theſe Priviledges and Liberties came to be more diſtinctly expreſſed and ſignally ratified in the *Great Charter*, than they had been before; yet they had not only been acknowledged and tranſmitted down in the Laws of *Edward* the *Confeſſor*, as the Birth right of every Engliſh-man, which alſo *William* the firſt *Norman* King ratified as ſuch, but they had long before been collected into a Body by King *Edgar* the *Saxon*, and were only revized, repeated, and confirmed by the *Confeſſor*. But among all the Rights and Priviledges appertaining unto us, that of having a ſhare in the Legiſlation, and of being to be Governed by ſuch Laws, as we our ſelves ſhall chuſe, is the moſt Fundamental and eſſential, as well as

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the moſt advantagious and beneficial. For thereby we are inabled to make ſuch ſucceſſive and continual proviſions, as the preſervation of the Society, and the promoting either of the Temporal or Eternal Welfare of the Subject, ſhall be found to render needful or expedient. And as through being poſſeſſed of ſo great a portion of the Legiſlative Power, and through having a Right by ſeveral poſitive Laws to Annual Parliaments, we can both relieve our ſelves from and againſt every thing that either threatneth, endangereth, or oppreſſeth us, and furniſh and accommodate the whole Community, with all legal Succours, and means that are neceſſary for Peace, Preſervation, and Proſperity; ſo herein lies our ſignal advantage and felicity, that what we become intereſted in, by a poſitive and Statute Law, it doth thereby and from thence become a part of our Right and Property, and not to be wreſted again from us but by our own conſent. For as *Bracton* ſaith, *lib.* 1. *c.* 2. (though it be alſo one of the firſt dictates of Reaſon and common Senſe) *Leges non poſſunt mutari nec deſtrui, ſine communi conſenſu & conſilio eorum omnium, quorum conſilio & conſenſu fuerunt promulgatæ; Laws can neither be altered nor vacated, ſave by the conſent and concurrence of the ſame Authority, by which they were made and Enacted.* 'Tis true, that the Executive part of the Government, is both by our Common and Statute Laws, conveyed unto and veſted in the King, but at the ſame time there is ſufficient proviſion made both in the Terms of our Conſtitution, and in our Parliamentary Acts, to prevent this from being hurtful unto us, unleſs our Soveraigns become guilty both of the higheſt Treachery, and withal make an invaſion upon, and endeavour the Subverſion of the whole Government. A Right of overſeeing the Execution of the Laws, being a Prerogative inſeparable from the Office of the Supream Magi-

Magiſtrate, becauſe the very Ends unto which he is cloathed with Rectoral Authority, and for which he is deſigned and eſtabliſhed, are the conſervation of the publick peace, and the adminiſtration of Juſtice towards and among the Members of the Body Politick: all to be expected from the wiſdom of the Society, or practicable by them, either upon the firſt erection of, and ſubmiſſion to Civil Government, or upon their future improvements and farther regulations of it, was to direct, limit, and reſtrain this Executive power committed unto the Soveraign, and to make him and his Subordinate Miniſters accountable, in caſe they ſhould deny, delay, or pervert Juſtice, or be found chargeable with Mal-adminiſtration of the Laws. Nor was ever a people more provident as to all theſe, than our Predeceſſors and Anceſtors have been. For as they have left nothing to the Kings private diſcretion, much leſs to his Arbitrary Will, but have aſſigned him the Laws as the Rules and Meaſures he is to Govern by; ſo they not only delegated it unto him as a Truſt, which he is to Swear faithfully to perform, but they always reſerved a liberty, right, and power unto themſelves, of inſpecting his Adminiſtration, making him reſponſable for it, and of abdicating him from the Soveraignty, upon univerſal and egregious faileurs in the Truſt that had been credited and conſigned unto him. Of this we have indiſputable Evidence, in the Articles advanced in Parliament againſt *Richard* the Second, when he was Depoſed from the Throne, and had the Scepter taken out of his hand. Yea to prevent all dangers which might befal the Subject, through the Kings being truſted with the Executive power of the Government, he is not by our Conſtitution and Laws allowed to do any thing in his own Perſon, nay not ſo much as to draw and ſeal the Commiſſion of thoſe that are to act in his name and under him. And as

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nothing is accounted in our Government a Commission, but what the Law Authoriseth and warrants; so he is liable to be proceeded against as the highest Criminal, that presumeth to Act in the virtue of any other. An illegal Commission, is so far from conveying a power unto any man to Act, that it is a greater Crime to do any thing upon the Authority of it, than it would be to commit the same fact, without all colour and pretence of power and warrant. Seeing the injury in the one case, doth only affect and terminate in him that receives it; whereas in the other it affects both the King, the Government, and the whole Body of the People. And as if it were not enough to preserve us harmless from the Executive power lodged in the King, that all the Commissions issuable from him are to be Legal, or otherwise to be accounted null; even they who stand warranted and empowered to Act by Legal Commissions, are not only to be Sworn to execute them Legally, but are obnoxious to be punished for every thing they do upon them that deviates from the Measures of the Law. And as 'tis the Duty and hath been the Practice of those who have been faithful to the Trust reposed in them, regardful of their own Honor and Just to the Kingdom, to punish their Officers and Ministers for Malversation, and for departing in their Administration from the Rules of our Common and Statute Laws, Witness King *Alfred* who caused forty four *Justices* to be hanged in one year for illegal, false, and corrupt Judgments; so it belongeth unto our Parliaments, as being one of the great Ends as well as Reasons, for which they ought to be frequently called and Assembled, to inquire into, and to punish the Crimes of Judges, and of all others, employed by, and under the King in the Executive part of the Government. From hence it is, that

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as the Houſe of Commons among other capacities in which they ſit and Act, are by the *Conſtitution* to be the great *Inqueſt* of the Kingdom, to ſearch into all the Oppreſſions and Injuſtices of the King's Miniſters; ſo the Houſe of Lords, among their ſeveral other Rights and Priviledges ſtand cloathed with the Power and Authority of the High Court of Judicature of the Nation, who are to puniſh thoſe who have misbehaved themſelves in all other Courts, as well as thoſe whom Inferiour Courts have either connived at, or have been ſo wicked as unrighteouſly to juſtify. Of this all Ages afford us Preſidents, and nothing but the ſupineſs of this, in not making ſo frequent and ſignal Examples of Parliamentary Juſtice among the Miniſterial Diſpenſers of our Laws, and among the Officers of our late Kings, as our Anceſtors uſed to do, hath rendered our withdrawn Prince's being truſted with the Executive part of the Government, ſo miſchievous unto the Kingdom, and the Abuſe of it ſo Fatal at laſt unto himſelf.

Having with all imaginable brevity declared the Nature, and ſtated the Boundaries of our Government, both in what is entruſted with the King, as well as in what is reſerved unto the People, that which in the next place I am to Addreſs my ſelf unto, is to inquire whether a King of *England* can ſo misbehave himſelf in his Office, as that according to the Rules of our Conſtitution, and the Meaſures of Juſtice, he may be either Reſiſted in his Arbitrary and Illegal Exerciſe of it, or Degraded and Depoſed from his Regal Dignity. And it ought to have no ſmall Influence upon our Underſtandings, towards our aſſenting unto, and embracing the *Affirmative*, that our Predeceſſors not only managed open War with a *Nolumus Leges Angliæ mutari* upon their Banners, againſt King *John* and *Henry* the Third, for Uſurpation upon their

Laws and Liberties, but that within the ſame compaſs of the *Norman* Race, they dethroned and abdicated *Edward* the Second, and *Richard* the Second, for their Tyranny and Male-adminiſtration. Nor are there any Authors meriting the leaſt regard among the higheſt Aſſertors of Monarchy and Regal Prerogative, who do not allow various Caſes in which Kings may both abdicate themſelves from their Power and Authority, and be renounced and degraded by others. If the becoming *Lunatick* and of *Unſound* Memory, which are natural Infirmities, be ſufficient Reaſons in the Judgments of all Men, for precluding Princes from their Office, as well as from the Exerciſe of Kingly Power? There are certainly *Moral* Diſtempers which do render them more incapable of Regal Truſt, and leſs qualified for the Exerciſe of Rectoral Authority, ſuch as an implacable Malice to the welfare of the whole Community, or an Attachment to one party to the Extirpation of all others. 'Tis generally granted, that the entering in Religion, which the Law accounts a civil Death, doth diſable a perſon both from the Claim and Exerciſe of Magiſtracy; and therefore I know no reaſon why one ſhould not be eſteemed equally unqualified for Soveraignty, by having Enrolled himſelf into the moſt ſanguinary Order of the Papal Church, and having ſubjected himſelf intirely to their Conduct, tho' in order to the remaining the more able to Execute their Malice, and to campaſs their Brutal Ends, he hath declined to aſſume and take on the Habit. But I ſhall ſupercede whatſoever may be Muſter'd from theſe Topicks, for the Reſiſting and Abdicating of his late Majeſty; and ſhall juſtifie our doing ſo from Principles which our Conſtitution and Laws do Adminiſter, and which no man can contradict without belying their Sight and Feeling, as well as the being Treacherous to the Dictates of their Judge-

Judgments and Underſtandings, For admitting us to be, as we really are, a Free and a Proteſtant Kingdom, who have not only many Priviledges and Rights reſerved and ſecured unto us, and the Reformed Religion made a part of our Property, but who ſtand veſted with a large ſhare in the Legiſlation, through the Power that our Repreſentatives, whom we ought and have a Title freely to chuſe, have in the Enacting and Repealing of all Laws; there are three things whereby our lately departed King hath unqualified himſelf, both for the Claim and Exerciſe of the Regal Power, and which made it lawful and neceſſary at firſt to Reſiſt, and doth render it now Juſt and Expedient to Abdicate him. The firſt is, That through having diſpenſed with the Oath of Supremacy, which precluded all Forraign Juriſdiction, and through having received the Pope's Nuncio, and Provincial Romiſh Biſhops; he hath thereby rob'd the Crown of its brighteſt Jewel, namely of the having and exerciſing Authority and Juriſdiction over all Perſons in this Dominion, and hath transferred and aliened the Regal Power of this Kingdom to a Forraigner. The ſecond is, That being truſted with the Regal Power, and veſted with the Executive part of the Government, for the preſervation of the Rights and Liberties of the People, he hath in innumerable ways, methods, and inſtances, applied and exerted it to their Ruine and Deſtruction. The third is, That by reaſon of his diſpenſing with Laws, ſeizing of Charters, and practicing upon the Freedom of thoſe who have right of Electing Members to Parliament, he hath overthrown the whole Legiſlative part of the Government, and ſubverted the very Fundamental Conſtitutions of the Realm. His whole Reign hath been a continued Invaſion upon our Laws, Liberties, and Properties. He endeavoured to render Parliaments, and

had actually made Courts of Judicature, Miniſters of his Will, Pleaſure, and unruly Luſts, inſtead of their being Aſſertors and Vindicators of our National Rights, and Diſpenſers of Law, Juſtice, and Equity. There is nothing Eſſential, Sacred, or Inviolable in our Conſtitution, which he hath not ſubverted as well as ſhaken. Our Lives, Liberties, and Fortunes have been ſubjected to the Will, Power, and Authority of thoſe whom the Laws of the Land not only make incapable, but declare to be Traytors. We have not only been without Parliaments beyond the time appointed by the Law, but there have been means uſed to prevent our ever-having one that deſerved to be held and eſteemed Lawful and Free. The Civil as well as Military Power, which ought to be in no hands, ſave in theirs who will maintain our Liberties, and defend our Perſons, have been committed and entruſted to ſuch, who judge it to be both their Duty and Meritorious to Rob, Deſtroy and Extirpate us. The Eccleſiaſtical Commiſſioners were not only a Body of Men erected in Oppoſition unto, and in Defiance of our Laws; but had both the whole Clergy of *England*, and our Religion, proſtituted to their Arbitrary Will. No man in *England* was ſecure of his *Freehold*, after what *Wright*, *Jener*, and the Biſhop of *Cheſter* had done againſt the *Preſident* and *Fellows* of *Mag.* Colledge. We could no longer be ſaid to have Properties or Inheritances, but what we poſſeſſed was precarious, and held by no other Tenure but that of Court pleaſure and connivance. The Kings claiming a Right to diſpenſe with ſo many Laws, Enacted for our Defence and Safety; gave him a Title to Diſpenſe with all our Laws, whenſoever he ſhould find it ſeaſonable and convenient. So that upon the whole, it was become both Lawful and Neceſſary, to recover that by Force, which had been wreſted from

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us by Uſurpation. Nor had we been worthy of the Name of Engliſh men, but had ſhewn ourſelves a degenerate Off-ſpring, and proved Traitors to God, our Countrey, and our Poſterity, had we not been ready to retrieve and vindicate our Rights upon the firſt opportunity that ſhould be offered unto us. Our having reſerved Rights and Priviledges unto our ſelves, gave us a Right to defend them in caſe they came to be Invaded. And though there were not wanting ignorant and mercinary men, who would have rivetted the King in his Tyranny, and fettered the Subject in Slavery, by their Treaſonable Doctrines of *Paſſive Obedience*, and *Non-Reſiſtance*, yet the Rational and ingenious part of Mankind, remained ſo far preſerved from the infection of thoſe ſlaviſh Notions, as to know themſelves to be no farther bound to ſuffer, than the Law had obliged them, nor tied up to to any other meaſures and degrees of Obedience, than what they were confined unto, by the Rules of the Conſtitution, and by the Statutes of the Realm. Yea to the reproach of too many of the *Crape*, the very Gentlemen of the Sword, who ſtood muſter'd under the Kings Banners, and by whom he expected to have been ſupported in his Invaſions upon Law and Religion, were not only ſo far ſenſible of his unjuſt uſurpations upon the Rights and Priviledges of the Nation, and of his deſigning the extirpation of Proteſtancy and Liberty, but were alſo ſo far convinced of its being the duty of every Proteſtant and Engliſh-man, to reſiſt and not to abet him, that upon this inducement, and upon no other, they turn'd their Arms againſt, as well as abandoned him. Nor was there any thing, whereby the King can be ſuppoſed to have been prevailed upon, to forſake both the Government and the Kingdom, but a ſenſe of his own Guilt, and an apprehenſion of his demerit. There was neither

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Force, nor Menace, uſed to drive him from the one or the other; only the Thoughts of a Free Parliament, and of what he might be found obnoxious unto, by the Fundamental Rules of the Government, chaſed him from the Throne and out of the Nation. And as we have various Preſidents in all Free Nations, giving countenance to what we have been doing; ſo no Kingdoms afford more examples in Juſtification of it, than our own.

However, after all the Evils which this late King had done us, we are willing to acknowledge the kindneſs we have received from him at laſt, in his leaving the Nation and retiring beyond Sea. And that which is now incumbent upon us, as we would be juſt both to him and our ſelves, is to bolt the Door after him, and ſo fore-cloſe his Return. Though we were once ſo fooliſh as to truſt him, notwithſtanding his Religion, as hoping the King would have been two ſtrong for the Papiſt; yet it were madneſs to do it a ſecond time, eſpecially after we have ſeen the Monarch all along too weak for the Papal Bigot. The fault is his, in the deceiving us once; but it would be ours, ſhould we give him an advantage of deceiving us again. We have provoked him too far, to think of laying our ſelves any more at his mercy. Nor is it poſſible to receive any Security from him, but what he hath already falſified. The whole Kingdom is embarked too far, to think ever of Retreating; and his Miſgovernment during the whole time he was permitted to Reign, diſableth him from being truſted with Authority any more. A few little and deſperate people, may (if they think fit) talk their Necks into a Nooſe; but they will ſoon find, that the Nation is not to be twatled again into Slavery. His very Retreating into *France*, is a juſt bar againſt the admitting his return; ſeeing it is morally impoſſible he ſhould come back from thence, but under

under Confederacies with that Monarch, for the Extirpating the Reformed Religion every where, and for the Ruining of these Nations, and of all *Europe*. Nor will those *Provinces* and *States* that lent their Forces to inable us to vindicate and assert our Rights, ever suffer the King to get into a condition, of wrecking his malice upon them for their kindness to us. And should we be so far infatuated, as to reinthral our selves; it will be our fate to be neither pittied in our miseries, nor relieved from them. Yea God himself will laugh at our Calamities, when they come to overtake us, through our own wilfulness and choice.

But though *James* the Second stand unqualified, and morally disabled from being any more King, yet it is indispensably necessary we should have One, a King being no less essential in the Body Politick of *England*, than the Head is in the Body Natural. To dream of reducing *England* to a Democratical Republick, is incident only to persons of shallow Capacities, and such as are unacquainted with the Nature of Governments, and the Genius of Nations. For as the Mercurial and Masculine Temper of the English people, is not to be moulded and accommodated to a Democracy; so it is impracticable to establish such a Common-wealth, where there is a numerous Nobility and Gentry, unless we should first destroy and extirpate them. This is demonstrable from all Histories extant, whether they be Modern or Ancient. And either to hope for, or to endeavour to do this in *England*, were the highest folly, as well as the most prodigious wickedness imaginable. To think of precluding Kingship out of the Constitution of the English Government, would lay us under a necessity of Excluding also a House of Peers, which for any one to attempt, would be equally as imprudent as it would be unjust. Nor is the

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naturalneſs of this inference meerly ſupported by the practice of the late times; but it deriveth its light and evidence from the nature of the thing itſelf. For as the very end of a Houſe of Peers, is to be a skreen between the Monarch and the Commons, to prevent his Invading the Priviledges of the People, and their uſurping upon the Prerogatives of the Crown; ſo without our having a King, they would become not only uſeleſs but burthenſome. Yea, to ſhut Kingſhip out of the Conſtitution, would draw after it the alteration of the whole Body of our Laws, which would be of ill conſequence to the whole State, as well as to particular Men. There is nothing more obvious, than that the Stile and Authority of King, is ſo Incorporated with, and woven into our Laws, that without it, they are neither intelligible, nor can they be applied to the Uſes and Ends for which they were Enacted and made. This one of *Oliver Cromwels* Parliaments was ſenſible of, and therefore adviſed him to exchange the Name of Protector, for that of King. Which he either out of a Capricio of his own, or for fear of diſguſting his Army refuſing to comply with, gave firſt an opportunity and advantage to his own Creatures for the Depoſing his Son; and ſecondly paved the way and laid it open for the Reſtoration of the Royal Family. And as the Government of *England* is imperfect without a King; ſo it is not only needful that we ſhould cure this defect in the Body Politick, but that it ſhould be done with all the Expedition that is poſſible. For until then, the Government can exert it ſelf but in few of its proper operations; nor can it either Repeal ill Laws, nor Enact ſuch good ones as we want and need. Beſides, this is the firſt means of rendring us ſafe at home, and formidable abroad. Were this once accompliſhed, Forreign Enemies would dread us, and Inteſtine Foes ſhrink in their Heads. Nor

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can any thing leſs, check the intemperate and ſeditious Language of ſome, and diſcourage the audacious Caballings and dangerous Machinations of others.

Now the Caſe that we are to Diſcourſe, falls not within the compaſs, nor under the Regulation, of what a King and the Two Houſes of Parliament may do in the diſpoſal of the Crown. The many Statutes by which it hath been Entailed, do plainly ſhew that they have a Right to Settle it. And though they may be confined from going out of the Royal Line, yet it is evident from thoſe upon whom it hath been conferred, that they are not always obliged to beſtow it in the order and way that common Inheritances deſcend. For whereas both Queen *Mary*, and Queen *Elizabeth* ſucceeded to the Crown, yet it could be in the vertue of nothing but the Act of Settlement, of the 35 *Hen.* 8. ſeeing if the one of them was Legitimate, the other could not, nor as ſuch pretend to any Title or Claim. Yea our Law does expreſly declare, that the Prince Regnant whoſoever he be, may and can with the concurrence of the Two Houſes of Parliament, Diſpoſe, Settle, and Entail the Crown, as ſhall be thought moſt needful and convenient. For this ſee *Raſtal's* ſecond Vol. 13 *Eliz cap.* 1. where the words of the Statute are as follows. *Be it Enacted, that if any perſon, ſhall in any wiſe, hold and affirm, or maintain, that our Sovereign Lady* Elizabeth, *the Queens Majeſty that now is, with and by the Authority of the Parliament of* England, *is not able to make Laws and Statutes of ſufficient Force and Validity, to Limit and Bind the Crown of this Realm, and the Deſcent, Limitation, Inheritance and Government thereof; or that this preſent Statute, or any other Statute to be made by the Authority of the Parliament of* England, *with the Royal Aſſent, is not, or ſhall not, or ought not to be for ever, of good and ſufficient force and validity to Bind Limit, Reſtrain, and*

Govern all perſons, their Rights and Titles, that in any wiſe may or might claim any intereſt or poſſibility, in or to the Crown of England, *in Poſſeſſion, Remainder, Inheritance, Succeſſion, or otherwiſe howſoever; that every ſuch perſon, ſo Holding, Affirming, or Maintaining, during the Life of the Queens Majeſty, ſhall be judged a high Traytor, and ſuffer and forfeit as in caſes of High-Treaſon is accuſtomed. And that every perſon ſo holding, affirming, or maintaining after the deceaſe of our ſaid Soveraign Lady, ſhall forfeit all his Goods and Chattels.* Nor was the Power and Authority of Parliament, for conveying and diſpoſing of the Crown, ever queſtioned or gainſaid, till a few Mercinary People about ten years ago, endeavoured to obtrude upon us a pretended Divine, and unalterable Right to the Suceeſſion, which was the more irrational, ſtrange, and to be wondered at, ſeeing all the Race of the *Stewarts* after *Robert* the firſt had no other Title to the Crown of *Scotland*, but what they derived from an Act of Parliament, in prejudice and preclusion of theſe of the Ligitimate and right Line. For the ſaid *Robert* having had three Sons and one Daughter by a Concubine named *Elizabeth More*, whom he afterwards married to one *Gifford*, himſelf at the ſame time taking into Marriage *Eufemia* the Daughter of the Earl of *Roß*, by whom he had Iſſue *Walter* and *David*, Earls of *Athol* and *Strathern*, and *Eufemia* that was afterwards married to *James Douglaß* Son to the Earl of *Douglaß*; The forementioned *Robert* did not only upon the Death of his Wife *Eufemia*, and of *Gifford* the Husband of *Elizabeth More*, take into Wedlock his former *Concubine Elizabeth More*, but obtained by an Act of Parliament, that the Children whom he had begotten upon her in Concubinate ſhould be Entitled unto the Crown, and that his Lawful and Legitimate Children by his Wife *Eufemia* ſhould be precluded and debarred. And it was heretofore the more ſurpriſing unto me, to find the Penſiona-

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ries and Advocates of the late Duke of *York*, plead for a Divine and unchangeable Right of Succeſſion, ſeeing all the claim that the *Scots* Race had to the Throne of *England*, through their being deſcended from the eldeſt Daughter of *Henry* the Seventh, was from and by an Act of Parliament which veſted the ſaid *Henry* in the Crown of this Realm. For tho' the fore-mentioned *Henry*, by reaſon of his Marriage to *Elizabeth*, Daughter to *Edward* the Fourth of the Houſe of *York*, had a Legal Title to the Crown of *England* by the Common Law, yet he was ſo far from inſiſting upon and allowing it, that he choſe to hold and poſſeſs the Crown in the force and vertue of an Act of Parliament. For as his Title by the Houſe of *Lancaſter*, was both originally unlawful, and had particular flaws and defects in it, ſo all the claim he could pretend unto that way, was in the Right of his Mother, who as ſhe outlived his advancement to the Throne ſeveral years, and ſo ſhe was never admitted to the Royal Authority, nor ſuffered to ſway the Scepter.

But that which is more peculiarly my Province at preſent, is to enquire what Power and Right the Peers and Commons of *England*, have in and over the Crown, for the Conveying, Diſpoſing, and ſetling of it, in caſe of a Devolution, through the Thrones becoming, by one means or another, empty and vacant. And as to this, we ſtand provided with many and ſignal Preſidents, of the Crowns having been Conferred and Beſtowed, as the General Councils and Parliaments of the Kingdom judged moſt conduceable to the publick Safety and Benefit, but ſtill keeping within the Sphear and Circle of the Royal Family and Line. The *Saxon* times afford ſeveral Inſtances and Examples, in proof and confirmation hereof, if it were either needful to recount them, or if the brevity to which I am bound up and obliged, would allow me to

repreſent them in their full and due light, and to adorn them with the circumſtances, that do belong unto and enforce them. But all the Preſidents I ſhall produce from thence, ſhall be thoſe of *Alfred* and *Edward* the Confeſſor, of which the *latter was laſt*, and the other the *firſt* Univerſal *Saxon* Monarch. *Horn* aſſureth us in his *Mirrour*, that the People of *England* after great Wars, Tribulations, and Troubles, ſuffered for a long time, by reaſon of their multiplicity of Kings, did at laſt *Elect and Chooſe one King to Reign over them, whom they made to Swear that he ſhould not only Govern them by Law, but that he ſhould be obedient to ſuffer Right, as well as others of his people ſhould be.* Accordingly *Alfred* acknowledgeth in his *Will*, ſubjoyned unto his Life by *Menevenſis*, that he owed his Crown to the Bounty of his Princes, and of the Elders of his People: *Principes cum Senioribus populi, miſericorditer ac benignè dederunt.* And for *Edward* the Confeſſor, he could have no Right to the Crown, ſave by the Grant and Gift of the People; ſeeing the Claim by Deſcent and Common Law, was in his Nephew *Edward* the Son of *Edmond Ironſide.* Accordingly all our Hiſtorians, lodge the *Confeſſors* whole Title to the Soveaignty, in his being *Electus in Regem ab omni populo.* The power which the people of *England* had in the Diſpoſal of the Crown during the time of *Saxons*, is confirmed unto us by that Noble Record, which Sir *Henry Spelman* hath cited, *Concil. Vol.* 1. *pag.* 291. For we do there find, how that in a Parliament held at *Calcuth*, *An.* 787. it was Ordained and Enacted, *in illo conventu pananglico, ad quem convenerunt omnes Principes tam Eccleſiaſtici quam ſeculares, unà cum populo Terræ, That Kings ſhould be Elected by the Parliament, ut Eligantur à Sacerdotibus. & Senioribus populi*; and that being choſen, they ſhould have *Prudent Counſellers, Fearing God, Conſiliarios prudentes, Deum timentes.*

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And this Right over the Crown, and abont the disposal of it, which our Ancestors challenged and exercised all the time of the *Saxons*, they have maintained and exerted with no less courage and vigour in every Age since the coming in of the *Norman* Race. *William* the *First* (who is unjustly stiled the Conqueror, as having subdued none but *Harold* and those that abetted him) did no otherwise obtain the Crown, nor ascend the English Throne, save in the vertue of an unanimous and free Choice and Submission of the Peers and Body of the People. *Convenientibus Francis & Anglis, illisque omnibus concedentibus, Coronam Angliæ & Dominationem suscepit*, saith the Anonimous Author subjoyned to *Sylas Tailor*'s History of *Gavelkind*. *A Clero & populo susceptus, & ab omnibus Rex acclamatus*, say *Matth. Paris* and *Florilegus*. *Ab omnibus proceribus Rex est Electus*; says *Walsingham*. *Universi, Hilari consensu, eum sibi in Regem & Dominum coronari consonuerunt*, (saith *Will, Pictav.*) when it had been proposed unto them, whether they would receive and admit him or not. Nor did the said *William* only obtain the Crown by the Peoples Choice, but he was made to Swear before his Coronation, that he should *Govern the People justly, keep and observe unto them all their old Laws, and consent unto the having such farther Laws Enacted, as should be found needful for the Preservation and Prosperity of the Realm*. *Se velle cunctum populum juste Regere rectam legem statuere & tenere*, says one, *antiquas bonas leges inviolabiter observare*, says another. As for *William* the Third, and *Henry* the First, who are the two next in the Roll and List of our Kings; it is undeniable, that they became possessed of the Crown by the meer Gift and Choice of the People. For being advanced to the Throne in prejudice of, and to the precluſion of *Robert* their Elder Brother, they could have no other pretence, claim, or right

right unto it, but what they derived from the People, and were indebted for unto Parliamentary Power and Authority. Our Writers do not only give us an account of their ſeveral Elections, and of the Oaths by which they became bound unto the Kingdom, but of the previous Conditions, Promiſes, and Tearms, by which the people were influenced and prevailed upon, to raiſe them unto, and honour them with the Regal Dignity. For *William Ruſus* having promiſed, *Si Rex foret* (ſay *Eadmer* and *Brompton*) *ſe juſtitiam, æquitatem, & miſericordiam per totum Regnum, in omni negatio ſervaturum; That if he could be choſen and admitted King by the Engliſh, he would in all things keep and obſerve Juſtice, Equity and Mercy, throughout the whole Kingdom*; he was thereupon *in Regem Electus & Conſecratus, firſt Elected and then Conſecrated King.* And as *Matth. Paris* tells us, *He was in a great Council or Aſſembly of the Nobility and Wiſe Men of the Kingdom, Volentibus omnium animis, with the cheerful conſent of them all, in Regem acceptus, accepted for and admitted to be King.* And for *Henry* the *Firſt*, the ſame Author informs us, how that having called a general Council of the Nobles and People to meet at *London*, he promiſed unto them, provided he might be choſen King, *Emendationem Legum, &c. A reformation of thoſe rigorous Laws which his Father and Brother had obtruded on the Kingdom, and that he would frame juſt Laws, grounded on thoſe of* Edward *the Confeſſor, and that he would likewiſe not only remit the Taxes, which had been unduely exacted of the Subject, but puniſh ſuch perſons as had been the Authors of them: and that thereupon the whole Aſſembly unanimouſly choſe him, and appointed him to be Conſecrated King.* And as he intirely owed his Crown, to the Election and Grant of the People; ſo he as freely acknowledged it in his *Charter* (ſee *Hagulſt.*) where he ſays, *Sciatis me conſilio Baronum Regni*

Regni Angliæ ejuſdem Regni Regem Coronatum eſſe, Know ye that I am Crowned King of England, *by the Common Council of the Barons of the ſaid Kingdom.* But leaſt any ſhould wonder, why *Robert* was all this while Excluded, while his two younger Brothers were preferred before him, and exalted to the Throne; it may not be amiſs to take notice of the reaſon of it, as it is aſſigned by *Knighton*, namely becauſe the ſaid *Robert. ſemper contrarius. & adeo innaturalis extiterat Baronibus Regni Angliæ had been always harſh, unnatural, and averſe to the Barons of* England. 'Twere an eaſie matter to go through all the ſucceeding Kings, to the very entrance of the *Scots* Race, and to ſhew how the People of *England* have in all Ages exerciſed a Right and Power in the Diſpoſal of the Crown; but this is enough for an Eſſay, and may ſerve without an enumeration of more Examples, to awaken the Peers and the Repreſentatives of the Commons of *England*, to claim and exert that Power at this conjuncture, which from the firſt original of the Government has belonged inſeparably unto them.

That which now remains to be Treated of, is what becomes honeſt men to deſire, and what all men have reaſon at this time to expect, from the Wiſdom and Juſtice of the approaching *Convention*, in relation to the beſtowing, conveying, and ſetling of the Imperial Crown of this Realm. And that the Conſiderations which are to be here offered, with all Humility as well as Modeſty, may both ſtand in the clearer light, and have the greater efficacy upon the Minds of thoſe, for whom they are deſigned, I ſhall briefly premiſe theſe things. (1.) That in the circumſtances wherein we are, through the Kings having withdrawn himſelf, and forſaken the Government, the Crown cannot be ſaid to go by *Deſcent* and in the way of *Inheritance*; but the Diſpoſal of it falls to the Body of the People

People of *England* in their Repreſentatives, by way of *Ceſs* and *Devolution*. There being no Death, Reſignation, nor Demiſe, of the fore-going Regent, there can be no Heir, nor any Plea for the Deſcent of the Crown to a perſon under that notion. Though there may be all the Reaſon and Juſtice imaginable, for granting and conveying it to the perſon that in another caſe would have been ſo, yet there is neither Common nor Statute Law, in the vertue of which it can be now ſaid to deſcend. Proximity in Blood may render a perſon fit to be taken notice of, by them who are to Diſpoſe it, and Royal Qualities and Vertues may make one deſerve and merit it to that degree, that it would be the higheſt injury to the Nation and to the People themſelves, to beſtow it elſewhere, but yet for all this, nothing doth Legally Entitle unto it, but the Will, Donation, and Gift of the People. (2.) That in the preſent caſe, nothing can determine, limit, or reſtrain thoſe in whom the diſpoſal of the Crown is become lodged, but their own Will, guided and regulated by the Meaſures of what is moſt conducible to the publick good. Many things may ſerve to indicate and direct, where it will be moſt for the ſafety and honour of the Kingdom to have it Setled, but it is meerly the pleaſure of the great Council, and of the Repreſentative of the Nation, that can authoritatively fix it. Former Acts of Settlement do only declare the Channel in which the Succeſſion was to run by the ordinary way of Deſcent; but they have no Legal Force here, by reaſon of the dam and ſtop that is in the Road and Path of Conveyance. Nor doth the Common Law, which in the want of Acts of Entail, defines the order of Succeſſion, ſigniſie any thing here, farther than to remind us of perſons, who wonld have had a juſt and unqueſtionable Claim, but for the ſurvivance of Him, after whom only they can by that Law pretend and plead.

(3.) That

(3.) That seeing the *Two Houses* cannot sit in the nature of a formal Parliament, till after the Crown is conveyed and fixed, because of the defect of one of the Members of the Parliamentary Legislative Body; that therefore it seems very disputable, whether the one of the said Houses, can until then have a Negative upon the other. And by consequence, as it will become them in prudence not to interfere in their Resolves about the Conveyance of the Crown; so it will be no departure in the Lords from their own grandeur, to consider of what force and obligation to the whole Commons of *England*, the Declaration of their Representatives in that matter will be. And whether it be not more than probable, that they will own the Regal Authority to be in that person, and there to maintain and defend it, where themselves shall convey and settle it. Now these things being premised, I shall as one who loveth the welfare of my Countrey, next to the glory of God, to his interest in the world, and to the happiness of my own Soul, offer with the profoundest submission, what I Judge to be in this great Case now depending, most subservient to the Securing Religion here, and to the vindicating it elsewhere, and to the rendring this Nation Safe, Opulent, and Happy.

As to her Royal Highness the *Princess* of *Orange*, they must be Enemies to the Kingdom, who would have any thing witheld from, or denyed unto her, that the approaching *Convention*, can in consistency with their own Wisdom, and with the Safety of the Nation, grant and bestow. For how great soever she is by her Quality, she is far greater by her Merit. Had she been of a Rank never to have stood in a nearness to a Crown; yet all who have the honour to know her, would have confessed that she deserved one. But alas! though there may be a Partner in the Royal Stile, there can be none in the Regal Power. And as she her self will undoubtedly acknowledge the Prince

her Husband to be the only person fit at this season for the latter; so she will account it to proceed from no want of deference to her Person and Virtues, if no more be conferred upon her but the Royal Title. For seeing the Soveraignty can be but in One, though the Stile be communicable to more, Reason of State obligeth to lodge it where it may be most for the publick good. The disposal of the Crown being fallen to the People by a *Cess* and Devolution; the Succession unto it is not to be Governed by proximity of Blood, but by weighing what is most expedient for the benefit of the Community. To bestow the Soveraign Power unto more than One person at a time, were to embaras the Execution of it, and to make it impracticable through the differences which may arise if Two should become equally vested in it. From thence it was, that upon the Constituting and Creating *Phillip* King in conjunction with *Mary*, the Daughter of *Henry* the Eighth, it was Ordained and Enacted, *That the Queen might and should solely, and as sole Queen, use, have, and enjoy the Crown and Soveraignty, of and over all these Realms, Dominions, and Subjects, with all the Prehominencies, Prerogatives, Dignities, Authorities, Jurisdictions, Honours, thereunto belonging,* &c. *and that no Right or Claim of Soveraignty, should be given, come, or grow unto the said* Phillip, *over these Realms and Dominions.* But though the Soveraign Power be not communicable to more than One, and can be lodged no where, save in a single Person, yet the Royal stile may be imparted to more without the least inconvenience arising thereby to the Nation. And therefore when I say that her *Royal Highness* the *Princess* of *Orange* ought to have the Royal Stile conferred upon her, I do not thereby mean, that she should enjoy meerly the bare and naked Name of Queen, but that together with the Person to whom the Soveraignty shall be committed, she shall be named in all Laws, Gifts, Grants, and

Patents

Patents, &c. and that all theſe ſhall be Enacted, Inſtituted, ſet forth, and made in the Name of her Royal Highneſs as Queen, as well as in the Name of the Perſon in whom the Soveraignty ſhall be fixed and ſetled. Nor is this all that her Highneſs may in Juſtice expect, but it doth become the People in deference to her Merit, and in gratitude for the many Obligations which ſhe hath heaped upon them, to ſettle the whole Soveraignty upon her in Reverſion, in caſe ſhe out-live the Perſon to whom that power is firſt Truſted and Committed. And as this will teſtifie, that the Diſpoſal of it otherwiſe for the preſent, ariſeth not from Diſreſpect, but from Motives of Neceſſity; ſo we may be aſſured, that her Royal *Highneſſes* love to her Country, is ſo prevalent in her, above all conſiderations regarding her ſelf, that ſhe would be loath in the mean time, and under the great and preſent exigencies, to intercept between the Nation and the Bleſſings and Safety likely to ariſe unto it, by the coming under the Governing care, and Soveraign Protection of his Highneſs the Prince her Husband. Nay ſhe would account it an injury unto her, and not a favour, to have the Regal Power ſetled in her during the Life of the Prince, and to have his Highneſs to be precluded from it. And as through being veſted in what I have named, ſhe will enjoy all the honour and glory which accompany a Crown; ſo ſhe will be only eaſed of the Thorny Cares, and the next to inſupportable Toils, that under the preſent conjuncture of Affairs in the World, are likely to attend the ſwaying of the Engliſh Scepter. Yea her Vertues will give her an Empire, that no Parliament can beſtow. And while her Husband is vindicating and defending the Kingdom, by an exerciſe of the Soveraign Power; ſhe will more effectually reform it by her Manners, than can be done by a Thouſand Laws. Her Meekneſs towards all, will even teach our higheſt Eccleſiaſticks the duties of gentleneſs

and lenity;and her ſteadfaſtneſs in the Reformed Faith, together with an exemplary adorning of it, will prove the moſt Soveraign means of recovering back again the perverted from Popery,and the depraved from Prophaneneſs. And her being the beſt Woman,as well as the beſt Wife,that this or any Age can give us an Example of,doth ſufficiently aſſure us, that ſhe will neither Covet, nor be willing to Accept more, than what I have mentioned, ſeeing every thing beyond that, would both be a detracting from the Glory of her Husband, and to the damage and prejudice of the Community.

That which remains then to be done, is to declare the Prince of *Orange* King, and to ſettle upon him the Soveraignty and Regal Power;allowing in the mean time unto the *Princeſs*, the priviledge of being named with him in all Leaſes, Patents, and Grants. This we owe him in point of Gratitude; nor is his delivering the Nation to be otherwiſe requited, than by calling him to Rule and Govern it. His vindicating our Liberties and Laws, deſerves his being truſted with the Execution of the one, and with the Defence of both. And by how much he forbears to challenge it, by ſo much is his Merit unto it the greater. What he avoides claiming out of Temperance, we ought to have the Generoſity to give. Nor is there any one ſo likely to ſway the Scepter with Moderation, when poſſeſſed of it; as he who declined to ſnatch it, when it lay within his reach. His unchangeable adherence to what he promiſed in his Declaration, as a Prince; ſhews with what Sacredneſs, he will obſerve his Oath as a King. Nor will he ever invade our Priviledges,who hath expoſed himſelf to ſo many hazards for reſtoring of them. We owe it unto him alſo in point of *Juſtice*. At the ſame time,that it is a Gift and Benevolence, it is a debt due unto his Vertue. He hath all the Wiſdom, Moderation and Equity requiſite in a King, and all the Courage and Conduct needful in a Ge-

General. War and Peace are equally his Province; and he ſtands imbu'd with all qualities, both for ſwaying the Scepter, and weilding the Sword. His very Paſſions plead for him, and in nothing can we be kinder to our ſelves, than in putting him into a condition of gratifying them. The Ambition that Acts him of being the Head of the Proteſtant Intereſt in *Europe*, tendeth no leſs to our benefit and ſafety, than it doth to his honour and glory. And the Recentment he retains of Injuries done him by the *French* King, will lead him not only to avenge himſelf, but this Kingdom alſo upon that common Enemy. And to add one thing more, the Crown ought to be beſtowed upon *Him* on the ſcore of *Wiſdom* and *Intereſt*. Nothing ſave the doing thus, will cure the Evils we have felt, and obviate thoſe we fear, or ſtate us in the poſſeſſion of all the good we need and deſire. For *firſt*, we ſhall hereby reſtore the Body of the people of *England* to their ancient Right, and reeſtabliſh the Government upon its Primitive and Original Foundation. The pretence of a *Divine* Right of Succeſſion, which had almoſt deſtroyed us of late, and which after two or three removes, may again hazard our being Ruined, will by this means ſtand for ever branded and condemned. Nor will there be any cauſe of apprehending a ſtorm hereafter towards the Kingdom from *Spain* or *Savoy*; when once the Nation hath in its whole Political Body, exerciſed the power belonging unto it, of altering and ordering the Succeſſion, as it is found convenient for its own ſafety. 2. We ſhall hereby ſhut and bolt the dore, againſt the return and re-entry of the abdicated and withdrawn King. Neither himſelf nor Parizans, will either hope or venture to break open a gate, where ſo vigilant, magnanimous, wiſe, and Martial a perſon ſtands Guardian, as his Highneſs the Prince of *Orange* is by all men acknowledged to be. 3. We ſhall hereby forecloſe all Claim unto the Crown, ariſing by the plea and pretence of an immediate Succeſſor and a next Heir, For by the excluſion of all Right to the Soveraignty in way of Deſcent, there is no room left for any to challenge a Title to the Government upon that bottom and foundation. And though it would be eaſie to demonſtrate the *ſuppoſitiouſneſs* of the pretended *Prince* of *Wales*, and to lay open the unnatural and horrid Impoſture of obtruding him upon the Nation as a Legitimate Son; yet we ſhall by the Method propoſed, both deliver our ſelves from the neceſſity of that Inquiry, and prevent the infamy with which the King muſt be eternally covered upon that detection. 4. We ſhall by this one thing of beſtowing the Soveraign Authority upon the Prince of *Orange*, more effectually ſecure our retrieved Liberties

berties and Priviledges; than by all the Laws with which we Fence and Hedge them. He that ſcornfully rejected the offer of Soveraignty over *Holland*, when made unto him by the French King, as the price of Betraying and Enſlaving his Country; can never become guilty of invading the Rights and Priviledges of *England*, when truſted with their preſervation and defence. Nor will he ever abuſe that power to the Nations prejudice, which he receives and holds by its kindneſs and bounty. His uſing to ſay, that he cannot have ſo unworthy a Conception of God, nor ſo baſe thoughts of Mankind, as to believe that one perſon ſhould ever be deſigned by the Supream and Almighty King, to trample upon a Society and rule over it by way of oppreſſion; doth not only declare his knowledge of the Nature, End, and Principles of Government, but how it is repugnant to his Nature, and inconſiſtent with his avowed Judgment, to wrong and injure a Society, either by fraud or violence. 5. We ſhall by this means become united among our ſelves, and great and proſperous at home. For as he can have no Intereſt either diſtinct or divided from that of the whole people; ſo he can fall under no temptation, either of quarrelling with the Community, or of wheedling, uſing and improving one party, to the inconvenience and prejudice of another. And though thoſe of the National Communion, may be fully aſſured of their being maintained and protected in every thing which the Laws ſhall give them a Right and Title unto; yet no man needs to fear, that he whoſe glorious aim is to be the Head of the whole Proteſtant Intereſt, will ever become ſo attached to one party, as to become an Inſtrument and Tool, of haraſſing and perſecuting all others. 6. We ſhall hereby become ſtrong both in power and Allies abroad. For beſides the addition of the Force and opulency that will accrue unto the Kingdom during his Life and Reign, by the Hereditary Principalities, Dominions, States, and Territories, that appertain unto him; all the Princes and States of *Europe*, with whom it is our Intereſt to be Confederated, will be ambitious of becoming Leagued and Allied with us. His greatneſs and power, whenſoever he is King of *England*, will make them covet and deſire it; and his inviolate Sincerity in every thing he promiſeth, will make them truſt unto and rely upon it. He that in the ſtation of *Statholder* of *Holland*, could make that *figure* in the world, as he hath done, and be able to bring ſo many Princes of different Religions and Intereſts, into an Union againſt the common Enemy of *Europe*; what will he not be in a capacity to effect,

effect, if he were once vested with the Royal and Soveraign Power of *Great Britain*, and of the Dominions annexed and belonging thereunto: And as he will be an infallible mean, both of extinguishing all Enmity between us and these Provinces that emulate and rival us in Trade, and of bringing us and them into a happy and indissoluble Confederacy, so we may easily foresee the Advantages that will unavoidably attend upon a Conjunction of their and our *Marine* strength. 7*ly*, We shall hereby become formidable to our forreign Enemies: *France* will no longer be our dread, but our scorn and contempt; and we shall there erect the Trophies of our Liberty, as well as of our Victory; whence the Advice, as well as Pattern came of Enslaving us. With this *Prince* at the head of our Government and Armies, in the quality of King of *England*, we shall not only break the Chains with which that false and tyrannous *Monarch* would fetter *Europe*, but avenge both our own quarrels, and those of all *Christendom*, upon that haughty and usurping Prince, and reduce him within the limits from whence our late Kings help'd to raise him, contrary to all the Rules of Policy, as well as of Justice. 8*ly*, We shall by this means revive the hopes, and lay a foundation for the Redemption and Restauration of persecuted and exiled *Protestants*: As 'twas in order to the Preservation of the *Reformed Religion* in *Britain*, that he undertook this late Expedition, wherein God hath honoured him with so great success, so there are no dangers which he will not chearfully submit unto, and undergo, for the vindicating *Religion* into Freedom elsewhere, and for the setling *Protestants* in the quiet possession of those religious and civil Liberties of which they have been perjuriously and barbarously dispossessed. The eyes of the poor exiled *French*, are upon this approaching *Convention*, and stand prepared to date their Deliverance and Redemption from the moment, in which that Assembly shall tranfer and devolve the Soveraign and Royal Power of *England* upon his Highness the *Prince of Orange*; who as he hath been already their chief Patron, Benefactor, Refuge and Sanctuary; so they look upon him as the only *Person* under God, destined by Heaven to be their Saviour, and from whose Compassion, Courage, and Zeal they may expect the Vindication of their Wrongs, and their Restoration to the free Exercise of their Religion, without let or molestation, under their own Figg-trees and Vines.

The only Objection that can be advanced against what hath been here humbly proposed and offered, is, That the setling of the Crown, and of the Soveraign Power upon the *Prince of Orange*, would be to the

the prejudice of the *Princeſs Ann*, in caſe her *Royal Highneſs the Princeſs Mary* ſhould die before her Husband. To which I briefly anſwer theſe *ſix* things: (1.) That where there is no Claim by Deſcent, as in our preſent Caſe, there can be no Injury done to any: For there can be no Wrong in with-holding, what a perſon hath no Right to challenge. (2.) 'Tis too probable, and that to our great Grief, that his Highneſs the *Prince* will be the ſhorteſt lived of the three. His indefatigable Cares, as well as the Weakneſs of his natural Conſtitution, give us too juſt and doleful fears of it. Now ſhould that come to paſs, which I pray God to prevent, the *Princeſs Ann* will receive no Injury, ſeeing all her pretence is poſterior to that of the *Princeſs Mary*. (3.) 'Tis not impoſſible, but that the *Prince* and *Princeſs of Orange* may have Children; and then all will confeſs, that the *Princeſs Ann* can receive no wrong, ſhould ſhe and *Prince of Orange* out-live the *Princeſs Mary*; ſeeing if the Crown were to go in the direct order, and in the way of lineal Deſcent, it devolveth upon the Children of the *Princeſs Mary*, after her death, and not upon the *Princeſs Ann*. (4.) There is no great likelihood, that the *Princeſs Ann* ſhould out-live her Royal Highneſs the *Princeſs of Orange*; and then by ſetling the Crown, as hath been humbly propoſed, no damage will actually accrue unto her. (5.) There is a Benefit, and not a Prejudice, ariſing to the *Princeſs Ann* by the Method that hath been here offered and chalk'd out: for hereby all Claim of the preſent pretended *Prince of Wales*, is debarred and ſhut out, which I think does more in point of Benefit ariſing to the *Princeſs Ann*, than countervail all the Damage ſhe is capable of receiving, by the putting the *Prince of Orange* firſt in the Act of Setlement and Entail. (6.) There is nothing here deſired or adviſed, in favour and behalf of the *Prince of Orange*, but what we ſhould be willing to have granted to *Prince George* in his turn. Nor do I doubt, but that the *Princeſs Ann* is ſo good a Woman and ſo excellent a Wife, that ſhe will be deſirous to purchaſe ſo great an Honour, and ſo real a Benefit to the *Prince* her *Husband*, at the coſt of a ſmall, and little more than imaginary Damage to herſelf.

FINIS.